IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12600 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DILIPBHAI NAGJIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12600 of 2004

MR CHIRAG B PATEL for Petitioner No. 1

Mr. Dipen A. Desai, AGP for Respondent No. 1-2

MR KETAN D SHAH for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 29/09/2004

ORAL JUDGEMENT

Rule. Mr. Dipen A. Desai, learned AGP is directed to accept the notice on behalf of respondents No. 1 and 2. Shri Desai, ld. AGP waives service of Rule on behalf of respondents No. 1 and 2 and Shri

Tushar Mehta, learned advocate, who appears on caveat waives service of Rule on behalf of respondent No.3. With the consent of the parties the matter is taken up for hearing and final disposal today.

2. In this petition the petitioner has challenged the legality and validity of the order passed by the Deputy Secretary (Appeals) dated 17th September 2004 in refusing to grant stay of the order dated 21st August, 2004 passed by the District Registrar during the pendency and final disposal of the revision application. In view of the fact that the revision application is pending before the State Government and it is yet to be decided on merits, this Court proposes to dispose of the present Special Civil Application by directing the revisional authority-State Government to decide and dispose of the revision application as early as possible and in any way within the period of 15 days from the date of receipt of this order. Under the circumstances, without entering into the merits and the legality and validity of the orders, the revisional authority - State of Gujarat is directed to decide and dispose of the revision application pending before it within the period of 15 days from the date of receipt of this order and until then the parties are directed to maintain status-quo as on today. The revisional authority is directed to decide and dispose of the revision application on merits and in accordance with law without being influenced by the fact that this Court has granted order of status-quo, as on today, in the present Special Civil Application. It is, however, made clear that this Court has not gone into the merits of the case and the legality and validity of the order passed by the District Registrar dated 21st August, 2004 and therefore the revisional authority shall decide the revision application on merits and without in any way influenced by his earlier orders in refusing to grant stay. It will also be open for the petitioner to challenge the locus of the respondent No.3 though the respondent No.3 is already joined as a party-respondent in the aforesaid proceedings.

3. With these observations and directions, the present Special Civil Application is disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

rmr. [M.R. Shah, J.]